

EB 14

National Assembly for Wales

Children and Young People Committee

Education (Wales) Bill : Stage 1

Response from : Care Council for Wales

The Care Council for Wales (Care Council) welcomes the opportunity to respond to the consultation on service providers by the Commission on Public Service Governance and Delivery.

Established under the Care Standards Act 2000 as the regulator of the social care profession in Wales, the Care Council for Wales (Care Council) has a leading role in making sure the workforce providing social services and childcare in Wales is operating to a high professional standard. The Care Council has legal powers to set the standards workers need to meet, and to take action where that doesn't happen.

It aims to safeguard the general public by:

- keeping a register of social workers, social care managers and workers, and social work students;
- investigating cases where the standards set for the workforce may not have been met;
- taking the most serious cases of where standards have not been met before independent panels;
- imposing a range of sanctions to protect the public from harm; and
- analysing information, and planning for a workforce that can meet the needs of the public.

The Care Council's vision is that the "*people of Wales can count on social services being provided by a professional, skilled and confident workforce*". A workforce that is equipped to deliver on the Government's agenda and people's expectation for citizen-centred support and care.

To achieve the vision, we will:

- Set and promote professional standards and take firm but fair action where those standards have not been met;
- Ensure our model of regulation is effective, proportionate and people-focused;
- Set and promote standards for learning and development for a professional, competent and confident workforce; and
- Ensure our organisation is knowledgeable, fair and open, continually learning and improving.

The Welsh Government vision for social work and social care in Wales is set out in a policy paper called *Sustainable Social Services for Wales: A Framework for Action* and reflected in the draft Social Services and Wellbeing (Wales) Bill. The policy paper is a framework for meeting the challenges facing social services in Wales over the next decade. The Care Council is expected to lead on developing the professionalism of the workforce and to influence the work of others by providing expert advice and information from different aspects of its work.

## **Response**

The Care Council has similar functions to those intended through the creation of the Education Workforce Council (EWC) outlined in the Education Bill (Wales). We warmly welcome the strategic direction and intentions behind the Bill.

Our governance model and our working ethos centres around partnership working. Our Council is led by citizens who have real experience of social care including representatives from the general public, people who use services, carers, workers, educators, trade unions and employers. Our regulatory work is lay led and we also actively seek to involve these stakeholders in our work more widely. This ensures that all these groups are given a voice in setting and securing standards and supporting improvements to social care in Wales encouraging balance and scrutiny that extends beyond the profession itself. This approach is increasingly being adopted by health profession regulatory bodies too.

It is not clear whether this model had been considered in the development of the EWC in the schedule 1 of the Bill. This may be worth considering given since currently or recently registered people forming the majority of the panel must by default rely on teachers (as the only currently registered) and will not allow for the inclusion of the newly regulated groups of staff to be part of this process.

The Care Council registers not just qualified social workers but other managers and practitioners in the care sector (adult and children) and also social work students. There is evidence that using regulation to set clear standards of practice, including Codes of Practice, occupational standards, agreed occupational qualifications and all contribute to improving professional practice. We believe there is much that the Care Council could share with the GTCW of our experiences – what has worked well and what has worked less well in relation to the broader workforce.

## **Links between workforce development and registration/regulation**

The Care Council's approach has been very much about the value of synergy between workforce development and regulation. Workforce and qualification development are crucial to ensuring a positive and joined up, approach to registration and regulation of the workforce. There is value in having synergy in setting the National Occupational Standards, working with learning providers (and/or awarding bodies) to develop appropriate qualifications and support quality delivery. That strategic approach provides

the Council with clear indication of what the workforce should know and be able to do to ensure that the social care workforce is safe to practice. This links to decisions about the right skills and qualifications to work to a high professional standard and to deliver quality care, now and into the future and the registration and conduct issues that then emerge. While this activity is included in the Bill, it might be useful to review whether this extends widely enough to cover not currently regulated teaching staff learning support staff and Further Education College teachers so that all education workforce development is covered.

### **Social Care and Early Years workforces: Education and Learning**

Like education, social care is a wide reaching service that touches most people's lives at some point. The number of staff working in social care is currently around 70,000<sup>1</sup> and a further 18,000<sup>2</sup> in early years and child care providing support to up to 150,000 at any one time. The official Department for Education and Skills (DfES) figures for learning in care, show over 26, 865 learners in further education colleges and around 5,000 in work based learning for the most recently available figures from LLWR<sup>3</sup> and the Department for Education and Skills (LLWR Figures for 2010-11). Many of these workers or learners are taught, mentored, assessed and judgements are made on their suitability and competence by staff who may be included in the extended regulation of this Bill. Those judgements have substantial effects on the current and future quality of child care and education and the important government policies in relation to health, social care, wellbeing and child care. The quality and public assurance of the staff making those judgements is therefore crucial to our society in Wales.

### **Extension of the Register to school learning support workers, Further Education College teachers and learning support workers**

The Care Council supports the extension of regulation as set out in the Bill, to Further Education College teachers and learning support workers. We would suggest consideration is also given to the further extension to Work Based Learning tutors and learning support staff (outlined in the accompanying memorandum) would be seen as central to supporting public assurance of care and child care and in our sector specifically. We note that the Bill, nor the accompanying Memorandum, specifically state anything about assessors. It is unclear if they would be included in the learning support staff category. Given the prevalence of Assessors, their power and influence of the outcomes of vocational education and training in Wales we would recommend government ensures that assessors are specified and included within this regulatory activity.

We support the inclusion of all teaching staff including those in independent schools. This will remove the anomaly where e.g. in residential schools for looked after children

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<sup>1</sup> Sector Skills Agreement Feb 2011

<sup>2</sup> Mapping the Early Years and Childcare workforce 2012

<sup>3</sup> LLWR Lifelong Learning Wales Record published by DfES each July for the preceding academic year.

all care staff have now been regulated since 2009, but some teachers or learning support staff have not required registration. This supports the protection of children.

### **Basis for Registration**

We note that it does not appear that the register will be qualification based, but will rely on category, induction, safeguarding requirements and suitability. We wonder if this should be reconsidered to require minimum qualifications; if not at initial registration, certainly at re-registration to drive the requirements for continued professional education and learning. This is likely to have a positive effect on the career prospects of staff and the retention rates of staff, particularly those who are not teachers. In our experience where staff are registered on the basis of induction there is greater movement within and out of the sector and higher levels of investigation and conduct cases proportionately emerge for these staff.

We would suggest government ensure that staff undertaking teaching and learning in our sector (and we are sure in many other vocational sectors) have the appropriate levels of occupational knowledge, skills and experience **specific to the subject areas they teach**, while at the same time demonstrating currency in knowledge skills and practice relating to the education, assessment and learning aspects of their job. It is no longer acceptable that people with no sector based qualifications, knowledge or experience teach or assess professional staff in social care or early years particularly as these staff increasingly undertake more professional, diverse and autonomous activities in the community rather than in more public settings.

### **Induction Schemes as a requirement for registration**

To ensure some consistency of practice and outcomes, particularly when it comes to the extension of regulation to other groups of education works it will be vital to set some standards, guidance of expectations for what should be covered within induction schemes, particularly when this is the a main criteria for registration. Care Council for Wales have long standing developed, published and promoted Induction Frameworks for both social care and early years and child care practice. We found that the expectations, practices and outcomes in induction varied significantly across employers. The GTCW has supported the induction for the professionally trained and registered teaching staff for many years and there would be value in having a national induction framework underpinned by national standards for the rest of the workforce. They are powerful in making explicit professional standards expected.

### **Codes of Conduct and Practice for educational workforce**

The social work and social care sector have a Code of Practice, which sets out the standards of practice and conduct expected of practitioners and what people receiving services should expect. We support the proposal in the Bill for of a Code for the education workforce. Our experience is that whilst the Codes are very powerful and important (and need to be kept under review) there is also a need for supplementary Practice Guidance that explains and elucidates the codes of practice to specific staff

groups to support the professionalization of the workforce and continue to drive up the professional expectations and standards. This approach may address the broad nature of any generic Code of Practice for the education workforce.

To conclude there are already on-going discussions between GTCW and Care Council Senior Officers to discuss the changes proposed in the Bill and to explore the proposed White Paper on Regulation and Inspection for social services in Wales. We have also extended the discussion to include some of the health professions regulatory bodies who have a base in Wales with view to exploring the potential of strengthening joint working for the future as a means of further enhancing public assurance and supporting interprofessional working. We look forward to continuing with this approach as the new arrangements are implemented.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Rhian Huws Williams', with a large, sweeping flourish extending to the right.

Rhian Huws Williams  
Chief Executive